

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MARCH 29, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: Two actions related to “Ty Odeh Day” and Recognition of Scripps Institution of Oceanography and the University of California, San Diego.
COUNCILMEMBER PETERS’ RECOMMENDATION: Adopt the resolutions.
- ITEM-31: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Tenant's Right To Know (Cause Eviction) Ordinance.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced as amended on 3/16/2004.
- ITEM-100: Awarding a Contract to John Carey Construction for the Central Area Police Station Expansion. Logan Heights Community Area. (Dist. 8)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Awarding a Contract to Erickson-Hall Construction Company for the Construction of Fire Station 12 and 31. Navajo and Southeastern San Diego Community Areas. (Dists. 4 and 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Sunset Cliffs Boulevard Improvements – Street Enhancements. Ocean Beach and Peninsula Community Areas. (Dist. 2)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Transfer of Funds – Los Peñasquitos Creek Neighborhood Park - Tot Lot Upgrade. Rancho Peñasquitos Community Area. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: La Jolla Mesa Vista Underground Utility District. La Jolla Community Area. (Dist. 2)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Agreement with Central Commercial Revitalization Corporation for the Administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District. Southeastern San Diego Community Area. (Dist. 8)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-106: Agreement with Little Italy Association for Administration of Contracts for Goods and Contracts for Services for the Little Italy Assessment District. Centre City Community Area. (Dist. 2)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Agreement with Project Design Consultants for As-Needed Consultant-Civil Engineering Services.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Second Amendment to Agreement with EMA, Inc., for Telemetry Control Systems-Supervisory Control and Data Acquisition (SCADA)-Phase II.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 3/17/2004, NR&C voted 4 to 0 to approve.
- ITEM-109: Extending Lease Agreement with Allan Company for Miramar Recycling Center Service Contract.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 3/17/2004, NR&C voted 4 to 0 to approve.
- ITEM-110: Amendment No.1 to the Agreement with Boyle Corporation and Street Repairs for Sewer Pump Station No. 42. La Jolla Community Area. (Dist.1)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 3/17/2004, NR&C voted 4 to 0 to approve.
- ITEM-111: Grant Application for Funding of a Citywide Pedestrian Master Plan.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: DUI P.A.C.E. (Prevention through Awareness and Cooperative Education) Car Program - Office of Traffic Safety Grant.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-113: La Jolla Village Drive Widening – Property Rights. University Community Area. (Dist. 1)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Appointment and Reappointment to the San Diego Planning Commission.
MAYOR MURPHY’S RECOMMENDATION: Adopt the resolution.
- ITEM-115: Installation of No Parking Tow-Away Zones on Certain Streets in Centre City for Traffic Control During Ballpark Events. Centre City Community Area. (Dist. 2)
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Item

- ITEM-200: Fiscal Year 2004/2005 Financial Review and Status Report and Request for Waiver of Mandated Budget Allocations.
CITY MANAGER’S RECOMMENDATION: Adopt the resolution.

Special Hearings, Discussion

- ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8 - Qualcomm Stadium.
There is no Council discussion of this item. The City Council’s actions are: 1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Special Hearings, Discussion (Continued)

- ITEM-202: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8 - An approximate 396-acre parcel owned by the City of San Diego commonly known as Mt. Woodson located north of and adjacent to the City of Poway (APN 278-211-01 and 278-081-05) and an approximate 19.6-acre parcel owned by the City of Poway commonly known as the Pomerado Wastewater Treatment Plant site located in the City of San Diego (APN 316-231-04, 06, 14, 16, and 17)
- There is no Council discussion of this item. The City Council's actions are:** 1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on March 30, 2004.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Two actions related to “Ty Odeh Day” and Recognition of Scripps Institution of Oceanography and the University of California, San Diego.

COUNCILMEMBER PETERS’ RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-972)

Commending Ty Odeh for his generous contributions to the community;

Proclaiming March 29, 2004 to be “Ty Odeh Day” in the City of San Diego.

Subitem-B: (R-2004-971)

Expressing deep appreciation to Scripps Institution of Oceanography and the University of California, San Diego for their generous contributions to the community.

ITEM-31: Approval of Council Minutes.

TODAY’S ACTION IS:

Approval of Council Minutes for the meetings of:

03/08/2004

03/09/2004

03/15/2004

03/16/2004

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item: 50.

ORDINANCES TO BE INTRODUCED:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

* ITEM-50: Tenants' Right To Know (Cause Eviction) Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 3/16/2004 (Council voted 5-3. Councilmembers Peters, Maienschein, and Madaffer voted nay. Mayor Murphy not present):

(O-2004-55 Rev.)

Amending Chapter 9, Article 8, of the San Diego Municipal Code, by adding a new Division 7, titled "Tenants' Right to Know Regulations;" and by adding new Sections 98.0701, 98.0702, 98.0720, 98.0725, 98.0730, 98.0750, 98.0760, and 98.0765, all pertaining to Cause for Residential Evictions.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Awarding a Contract to John Carey Construction for the Central Area Police Station Expansion.

(Logan Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-950)

Approving the plans and specifications for the construction of the Central Area Police Station Expansion (Project) on Work Order No. 360450;

Authorizing the City Manager to execute the Project contract with the lowest responsible and reliable bidder, John Carey Construction, in an amount not to exceed \$918,900, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate \$1,021,103 in Fund No. 19364 and \$26,361 in Fund No. 18707 for CIP-36-045.0, Police Crime Laboratory Expansion;

Authorizing the expenditure of an amount not to exceed \$1,021,103 from Fund No. 19364 and \$26,361 from Fund No. 18707 for CIP-36-045.0, Police Crime Laboratory Expansion, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate and expend \$26,361 of interest earnings from Fund No. 19364 to reimburse Fund No. 18707, contingent upon receipt of authorization of granting agency to use grant interest on Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves. (BID-K031397C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

The existing Central Area Police Station at the corner of 25th Street and Imperial Avenue is a 23,500 sq. ft. facility. This facility is serving Logan Heights, Grant Hill, Sherman Heights, Barrio Logan, and nearby areas. This project provides for a 5,000 sq. ft. second story expansion which will create more office space for police units relocating from the police headquarters at 1401 Broadway, and provide additional space for the crime lab expansion at the police headquarters. This project is fully funded by a California State Office of Criminal Justice Planning Grant.

FISCAL IMPACT:

The total project cost is estimated at \$1,347,464. Funds are available in CIP-36-045.0, Central Area Police Expansion.

Loveland/Belock/AO

Aud. Cert. 2400876.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Awarding a Contract to Erickson-Hall Construction Company for the Construction of Fire Station 12 and 31.

(See City Manager Report CMR-04-063. Navajo and Southeastern San Diego Community Areas. Districts 4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-984)

Authorizing the City Manager to execute, an agreement with Erickson-Hall Construction Co., for the construction of Fire Station 12, CIP-33-081.0, for an amount not to exceed \$3,147,000, and Fire Station 31, CIP-33-088.0, for an amount not to exceed \$2,962,000, for a total amount not to exceed \$6,109,000 under the terms and conditions set forth in the Agreement;

Authorizing the City Auditor and Comptroller to appropriate \$315,000 from CIP-33-505.0, La Jolla Cove Lifeguard Tower, Fund No. 92110, FLS Construction Fund, and \$990,000 from CIP-33-503.0, La Jolla Shores Lifeguard Tower, Fund No. 92110, FLS Construction Fund, and \$130,000 from CIP-29-494.0, Children's Pool Lifeguard Tower, Fund No. 92110, FLS Construction Fund, and \$309,938 from CIP-33-098.0, Major Components, Fund No. 92110, FLS Construction Fund, to CIP-33-081.0, Fire Station 12;

Authorizing the City Auditor and Comptroller to expend \$1,744,938 from CIP-33-081.0, Fire Station 12, Fund No. 92110, Fire and Life Safety Construction Fund, for the construction of Fire Station 12, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with City Treasurer;

Authorizing the City Auditor and Comptroller, to appropriate \$372,900 from CIP-33-098.0, Major Components, Fund No. 92110, FLS Construction Fund, and \$400,000 from CIP-33-091.0, Fire Station 54, Fund No. 92110, FLS Construction Fund, and \$543,000 from CIP-33-104.0, Fire Station 5, Fund No. 92110, FLS Construction Fund, and \$37,000 from CIP-33-093.0, Fire Station 1, Fund No. 92110, FLS Construction Fund, and \$140,000 from CIP-33-090.0, Fire Station 2, Fund No. 92110, FLS Construction Fund, and \$259,000 from CIP-33-080.0, Fire Station 17, Fund No. 92110, FLS Construction Fund, and \$312,554 from CIP-33-069.0, Kearny Villa Maintenance Facilities, Fund No. 92110, FLS Construction Fund, to CIP-33-088.0, Fire Station 31;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

Authorizing the City Auditor and Comptroller to expend \$2,064,454 from CIP-33-088.0, Fire Station 31, Fund No. 92110, Fire and Life Safety Construction Fund, for the construction of Fire Station 31, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to replenish the transferred funds when the second Fire and Life Safety Bond issuance occurs;

Authorizing the City Auditor and Comptroller upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.
(BID-K041940C)

Aud. Cert. 2400903.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: Sunset Cliffs Boulevard Improvements – Street Enhancements.

(Ocean Beach and Peninsula Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-952)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$89,850 from CIP-52-348.0, Coastal Infrastructure Improvements, to CIP-52-698.0, Sunset Cliffs Boulevard Improvements within Fund No. 102232, Transient Occupancy Tax Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend \$89,850 from Fund No. 102232, Transient Occupancy Tax Fund, CIP-52-698.0, Sunset Cliffs Boulevard Improvements, for the purpose of engineering, landscaping, and related expenses.

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Sunset Cliffs Boulevard Improvements Project, CIP-52-698.0, has provided for the widening of the Sunset Cliffs Boulevard from the previous two-lane roadway to a new four-lane major road between West Point Loma Drive to Nimitz Boulevard, in accordance with the community plan. The project included widened pavement. Class III bike lanes, storm drain facilities, curbs, gutters, striping, median improvements, traffic signal upgrades, and dedicated right turn lanes at the intersections with West Point Loma Drive and Nimitz Boulevard. This portion of the project's construction is now substantially complete.

The original project included hardscape improvements and some landscaping. However, additional landscaping of the median areas along Sunset Cliffs Boulevard was requested by the Community. This additional landscaping within the four medians at the intersections of Sunset Cliffs Boulevard, Nimitz Boulevard, and Interstate 8 ramp will be performed through a separate contract. Because only partial funding is available, the contract will include a bid alternative approach and the remaining portions will only be awarded pending availability of additional funds.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

FISCAL IMPACT:

The total estimated cost of the project is \$1,324,000. Of this amount, \$1,204,000 was previously authorized. \$89,850 is available in Fund 102232, Transient Occupancy Tax Fund. The remaining amount of \$30,150 from the estimated project cost is unfunded. If this amount is not identified prior to award, the work associated with the remaining medians will not be performed.

Loveland/Belock/PKB

Aud. Cert. 2400879.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Transfer of Funds – Los Peñasquitos Creek Neighborhood Park - Tot Lot Upgrade.

(Rancho Peñasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-957)

Authorizing the City Auditor and Comptroller to increase an amount not to exceed \$5,000 in the Fiscal Year 2004 Capital Improvements Program Budget in CIP-29-416.0, Peñasquitos Creek Neighborhood Park – Tot Lot Upgrade, Fund No. 392190, Black Mountain Ranch Development Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$5,000 from CIP-29-416.0, Peñasquitos Creek Neighborhood Park – Tot Lot Upgrade, for the purpose of construction of the Peñasquitos Creek Neighborhood Park – Tot Lot Upgrade Project and related costs.

CITY MANAGER SUPPORTING INFORMATION:

The Peñasquitos Creek Neighborhood Park - Tot Lot Upgrade is located at the southeast corner of Camino Ruiz and Park Village Road in the Peñasquitos East community area. The project provides for the upgrading of the play equipment at this neighborhood park to comply with current, state and federal accessibility and safety regulations.

In order to complete the project, additional work beyond the scope of the construction contract was required to raise the sand level in the tot lot, and to construct concrete curbing along the tot lot perimeter. The construction change was necessary to reduce the elevation difference between the sand and the new resilient surfacing to improve safety.

This request will cover the cost associated with the construction change order for the extra work described above.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

FISCAL IMPACT:

The total project cost is \$185,000 of which \$180,000 has been previously authorized by Resolutions R-294210 (\$150,000) and R-297341 (\$30,000). The remaining funds, \$5,000, are available in Fund No. 392190, Black Mountain Ranch Development Agreement.

Herring/Oppenheim/AP

Aud. Cert. 2400881.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: La Jolla Mesa Vista Underground Utility District.

(La Jolla Community Area. District-4 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-917)

Amending the Fiscal Year 2004 Capital Improvement Program Budget by adding CIP-37-027.0, La Jolla Mesa Vista Underground Utility District;

Authorizing the City Manager to accept \$15,810 from the property owners of La Jolla Mesa Vista, to be deposited into Fund No. 63022, Private and Other Contributions, for the purpose of providing funds for the preliminary engineering design of the La Jolla Mesa Vista Underground Utility District;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for CIP-37-027.0, La Jolla Mesa Vista Underground Utility District, Fund No. 63022, Private and Other Contributions, by increasing the budget amount by \$15,810;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$15,810 from CIP-37-027.0, La Jolla Mesa Vista Underground Utility District, Fund No. 63022, for the purpose of providing funds for the preliminary engineering design of La Jolla Mesa Vista Underground Utility District, providing that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

At the request of a group of residents in the La Jolla Mesa Vista neighborhood, the City has assisted the property owners in evaluating options to facilitate the undergrounding of their overhead utilities. Because this is a residential neighborhood, it does not satisfy Council Policy 600-8 or Public Utilities Commission rules to be included in the City's 8209/20A Program.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This action will consist of consulting San Diego Gas & Electric, SBC Communications, and Time Warner Cable Company in providing engineering design for converting approximately one mile of existing overhead utility lines to underground along the existing right of way on Candlelight Drive and Lamplight Drive as the first phase of the creation of the La Jolla Mesa Vista Underground Utility District. The expense of the preliminary engineering design for undergrounding existing utility lines for La Jolla Mesa Vista will be financed through each property owner that will be affected by the creation of the underground utility district.

FISCAL IMPACT:

No City cost.

Loveland/Belock/AO

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-105: Agreement with Central Commercial Revitalization Corporation for the Administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-978)

Authorizing the City Manager to execute an agreement with Central Commercial District Revitalization Corporation, for administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District for a period of five months, in accordance with the San Diego Municipal Code Section 65.0212;

Declaring that the effective date and term of the Agreement is February 1, 2004 through June 30, 2004;

Authorizing the expenditure of an amount not to exceed \$15,000 from Fund No. 70260, Dept. No. 70260, Org. No. 2000, Acct. No. 4151, and Job Order No. 002000, for the purpose of providing funds for administration services with the Central Commercial District Revitalization Corporation, beginning February 1, 2004 through June 30, 2004.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212, paragraph (b)(2), authorizes the City Council to approve a one-year agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 8, 2000, the property owners in the Central Commercial Maintenance Assessment District (District) requested their contracts to be administered by the "Central Commercial Revitalization Corporation" (Corporation). The Corporation has managed the contracts satisfactorily since the initial Agreement and wishes to continue the current Agreement with the City of San Diego from February 1, 2004 to June 30, 2004.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

This action will authorize the City Manager to sign and continue the Agreement between the City and the Corporation for a period of 5 months beginning on February 1, 2004 and ending on June 30, 2004.

1. The Corporation will administer Contracts for Goods and Contracts for Services and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Central Commercial Maintenance Assessment District.

2. The Corporation will perform all duties as set forth in the Agreement under Article I, Section B, referred to as Specific Requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.

3. To ensure that the Agreements are aligned with the City's established fiscal years, the Agreement is structured for five months. At the beginning of Fiscal Year 2005, a new Agreement will be considered for July 1, 2004 through June 30, 2005.

4. The Corporation will be compensated for administration in an amount not to exceed 15% of the Adopted FY 2004 budget.

FISCAL IMPACT:

Funds are available in the Central Commercial Maintenance Assessment District (Fund 70260) to reimburse the Corporation for maintenance services. Current funds available as per FY 2004 approved budget are \$273,030.56.

Herring/Cunningham/JK

Aud. Cert. 2400899.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Agreement with Little Italy Association for Administration of Contracts for Goods and Contracts for Services for the Little Italy Assessment District.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-979)

Authorizing the City Manager to execute an agreement with the Little Italy Association of San Diego, for administration of Contracts for Goods and Contracts for Services for the Little Italy Maintenance Assessment District for a period of six months in accordance with San Diego Municipal Code Section 65.0212;

Declaring that the effective date and term of the Agreement is January 1, 2004 through June 30, 2004;

Approving the expenditure of an amount not to exceed \$18,750 (\$6,562.50 from Fund No. 70261, Dept. No. 70261, Org. No. 2000, Acct. No. 4151, Job Order No. 002000 and \$12,187.50 from Fund No. 70261, Dept. No. 70261, Org. No. 2050, Acct. No. 4151, Job Order No. 02050), for the purpose of providing administration services from January 1, 2004 through June 30, 2004.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 8, 2000, the property owners in the Little Italy Maintenance Assessment District (District) requested their contracts to be administered by the "Little Italy Association" (Association). The Association has managed the contracts satisfactorily since the initial Agreement and wishes to continue the current Agreement with the City of San Diego from January 1, 2004 through June 30, 2004.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Association for a period of 6 months beginning on January 1, 2004 and ending on June 30, 2004.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

1. The Association will administer Contracts for Goods and Contracts for Services and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Little Italy Maintenance Assessment District.
2. The Association will perform all duties as set forth in the Agreement under Article I, Section B, referred to as Specific Requirements. The Association will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.
3. To ensure that the Agreement is aligned with the City's established fiscal years, the Agreement is structured for five months. At the beginning of Fiscal Year 2005, a new Agreement will be considered for July 1, 2004 through June 30, 2005.
4. The Association will be compensated for administration in an amount not to exceed 15% of the adopted FY04 budget. Current Administration Balance is \$23,146.61 (Org. 2000/\$8,101.31) and (Org. 2050/\$15,045.30).

FISCAL IMPACT:

Funds are available in the Little Italy Maintenance Assessment District (Fund 70261) to reimburse the Association for maintenance services. Current Funds available: \$217,152.75.

Herring/Cunningham/JK

Aud. Cert. 2400898.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-107: Agreement with Project Design Consultants for As-Needed Consultant-Civil Engineering Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-956)

Authorizing the City Manager to execute an Agreement with Project Design Consultants, for as-needed consultant-civil engineering services;

Authorizing the expenditure not to exceed \$250,000 from Fund 30244, contingent upon the City Auditor and Comptroller furnishing a certificate demonstrating that funds are available.

CITY MANAGER SUPPORTING INFORMATION:

On August 21, 2002, the Park Planning and Development Division conducted interviews with five civil engineering firms (P&D Consultant, Nasland Engineering, Project Design Consulting, Pountney Consulting, and PBS&J) to provide as-needed civil engineering services for its Division. As a result of the interviews, Project Design Consultants was chosen to provide as-needed civil engineering services.

This As-Needed Civil Engineer Contract will include tasks pertaining to Civil Engineering designs to include but not limited to: grading, concrete, and asphalt paving, drainage, stand alone walls, retaining wall, water service and sewer lateral design, and ADA upgrades. Services for individual projects will be authorized through a Task Order and be limited to \$100,000. The Agreement is effective for two years with a cumulative total up to \$250,000.

FISCAL IMPACT:

There is no fiscal impact with this action. However, the total amount request for approval is \$250,000 which will come from Fund 30244 (CIP Construction Fund). Each project will be individually charged for each task requested under this agreement.

Herring/Oppenheim/KR

Aud. Cert. 2400884.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Second Amendment to Agreement with EMA, Inc., for Telemetry Control Systems-Supervisory Control and Data Acquisition (SCADA)-Phase II.

(See memorandum from Frank Belock, Jr., dated 3/2/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-875)

Authorizing the City Manager to execute, a Second Amendment to Agreement with EMA, Inc., for Phase II of the Telemetry Control Systems-SCADA for an amount not to exceed \$1,372,833, for a total contract amount not to exceed 3,990,187;

Authorizing the additional expenditure of an amount not to exceed \$1,377,053.88 from Water Fund 41500, CIP-73-348.0, Telemetry Control Systems-SCADA-Phase II, for the purpose of providing funds for the above referenced Project and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/17/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

This is Phase II of a two phase program to install a modern Supervisory Control and Data Acquisition (SCADA) system. The SCADA system is monitoring and controlling all critical water distribution sites. Phase I included the central control and operations components as well as Remote Control Panels (RCPs) at 42 of the water distribution sites. Due to additional work that has been identified, Phase II has been divided into five (5) parts, Phase IIa, IIb, IIc, IId, and IIe. Phase IIa includes the installation of RCPs to control 60 additional water distribution sites. Phase IIb includes remediation work at 36 existing sites. Phase IIc includes installation of RCPs at 29 large meter sites.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

SUPPORTING INFORMATION: (Continued)

Phase IId includes installation of RCPs at 72 sites, an operating efficiency assessment, a communication network upgrade, and Intranet functionality for data access. Phases IIa through IIc are completed and Phase IId is nearing completion.

Recently, additional work was developed under Phase IIe. Phase IIe includes the work identified in the Water Operations Optimization plan. This Council action funds the implementation of the recommendations of the plan with the existing SCADA consultant, EMA, Inc.

FISCAL IMPACT:

The total estimated cost of Phase II is \$13,364,599. The estimated cost of this request is \$1,377,053.88, of which \$1,372,833 is for the 2nd Amendment to the Agreement with EMA, Inc., and \$4,220.88 for engineering related costs. Funding of \$1,377,053.88 is available in Water Fund 41500, CIP-73-348.0, Telemetry Control Systems-SCADA -Phase II for this purpose.

Loveland/Belock/HR

Aud. Cert. 2400774.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Extending Lease Agreement with Allan Company for Miramar Recycling Center Service Contract.

(See memorandum from Elmer L. Heap, Jr., dated 3/11/2004.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-702)

Authorizing the City Manager to execute, a one-year contract extension to the Miramar Recycling Center Service Contract/Real Property Lease Agreement with Allan Company for the operation of the Miramar Recycling Center under the terms and conditions, set forth in the First Extension to Miramar Recycling Center Service Contract/Real Property Lease;

Authorizing the City Auditor and Comptroller to deposit revenues received under the First Extension to the Agreement in Fund No. 41210-Recycling Fund.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/17/2004, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

In 2001, the San Diego City Council authorized the City Manager to execute a new agreement with Allan Company (Contractor) for the operation of the Miramar Recycling Center (Center), located at the entrance of the City's Miramar Landfill (RR-295859). The new agreement provided the City with increased revenue, services, and capital improvements, in exchange for a five-year base-term with a three-year evergreen extension clause. The Contractor is nearing the end of the second year of the agreement, and exercising the clause will result in one year being added to the agreement. If the clause is not exercised, it would serve as the three-year notice for the termination of the agreement.

Extending the current agreement will allow Contractor to continue providing City residents with high quality services in support of the City's efforts to meet State mandated solid waste diversion goals.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: (Continued)

SUPPORTING INFORMATION (Continued)

In the first two years of the current agreement, Contractor has spent a total of \$223,200 in permanent site improvements; increased customer usage by 25 percent; and has expanded services to residents by accepting, at the City's request, special handling items such as appliances containing chlorofluorocarbons (CFC) (refrigerators, freezers and air conditioners), other appliances, and cathode ray tube (CRT) devices such as computer monitors and TVs. Other services offered at the Recycling Center at the request of the City are free shredding and recycling of tax documents during April, cooking oil recycling, and sale of bagged Miramar Greenery compost.

FISCAL IMPACT:

Revenues from this agreement are estimated at \$41,400 for FY 2004, \$53,400 for FY 2005, \$65,400 for FY 2006 and increasing to \$77,400 per year thereafter.

Loveland/Hays/KP

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-110: Amendment No. 1 to the Agreement with Boyle Corporation and Street Repairs for Sewer Pump Station No. 42.

(See memorandum from Frank Belock, Jr. dated 3/2/2004. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-918)

Authorizing the City Manager to execute First Amendment No.1 to Agreement with Boyle Engineering Corporation, for engineering services at a cost not to exceed \$40,000, for a total not to exceed \$274,900;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$127,176 from Sewer Fund 41506, CIP-46-602.6, Sewer Pump Station No. 79, to Sewer Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Stations into contingency for Sewer Pump Station 42, for the purpose of providing funds for road work and related engineering expenses for the above referenced Project;

Authorizing the expenditure of an amount not to exceed \$40,000, from Sewer Fund 41506, CIP-46-602.6, for the purpose of providing funds for the above referenced Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/17/2004, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

SUPPORTING INFORMATION:

Council authorized an agreement with Boyle Engineering Corporation on July 9, 2001, Document No. R-295119, to provide engineering services for the design of Sewer Pump Station 42.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: (Continued)

SUPPORTING INFORMATION (Continued)

Sewer Pump Station 42 is located at 5387 Calumet Avenue in the La Jolla Community area. The project entails partial demolition and expansion of the existing structure of Sewer Pump Station 42, to construct a new wet well and underground emergency storage tanks and to provide back-up generator and new electrical components. Included is the installation of two (2) six-inch force mains of approximately 1,005 feet each as well as the replacement of 733 linear feet of 8-inch gravity sewer main in Calumet Avenue and Midway Street.

During the early phases of design, two (2) underground emergency storage tanks were added to the scope of work which depleted available funds for the consultant's construction support of the project. Additionally, during construction of the force main and gravity main portion of Sewer Pump Station 42, the condition of Calumet Avenue and Midway Street were found to require pavement repair exceeding the amount specified in the contracts.

As a result of the required scope changes and the complexity of this project, this amendment covers expenses for these unforeseen conditions and design support during the construction phase to ensure successful construction completion.

Council action is required to approve Amendment No.1 to the contract agreement with Boyle Engineering Corporation for an additional amount not to exceed \$40,000 and authorize \$127,176 to repair pavement for Sewer Pump Station 42.

FISCAL IMPACT:

The estimated cost of this action is \$167,176 of which \$40,000 is for engineering services and \$127,176 is for construction contingency.

The consultant agreement with Boyle Engineering Corporation previously authorized \$234,900 by Council Resolution R-295119. The first amendment will authorize additional compensation not to exceed \$40,000 for consulting services for a total agreement cost of \$274,900. Funding of \$127,176 for contingency is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation Sewer Pump Station Restorations, for this purpose.

Loveland/Belock/HR

Aud. Cert. 2400825.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: Grant Application for Funding of a Citywide Pedestrian Master Plan.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-967)

Authorizing the City Manager to apply to California Office of Traffic Safety (COTS) for grant funding in the amount of \$611,800, for development of the Master Plan;

Authorizing the City Manager to apply to San Diego Association of Governments (SANDAG) for grant funding in the amount of \$150,000, for development of the Master Plan;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds from COTS and SANDAG for development of the Master Plan; and to submit all documents and to negotiate and execute all agreements necessary to comply with COT's and SANDAG's grant requirements;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend grant funds, if the grants are secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the grants, if secured.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego is requesting consideration of grant funding up to \$761,800 required for the development of a Citywide Pedestrian Master Plan. Grant funding will be requested from the California Office of Traffic Safety (\$611,800) and the San Diego Association of Governments (SANDAG) as the regional administrator of the Transportation Development Act claims program (\$150,000). These funding sources are competitive.

The Pedestrian Master Plan will identify safe routes to pedestrian activity centers throughout the City. Pedestrian activity centers include: schools, transit stops and stations, commercial and mixed-use areas, senior centers, libraries, recreation centers, and parks. Along these routes, pedestrian infrastructure improvement projects will be identified. Pedestrian improvement projects will enhance safety, workability, mobility, accessibility, and neighborhood quality. The projects will be prioritized from short to long-term.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The Pedestrian Master Plan will identify pedestrian friendly and traffic calming designs from the City's adopted Street Design Manual. The routes and projects will be identified based on community input and technical analysis. City staff and the project consultant will conduct meetings/workshops with community planning groups throughout the City. The Pedestrian Master Plan will be a key resource for the City in securing grant funding needed to implement infrastructure improvement projects that promote the General Plan's Strategic Framework Element's pedestrian safety, workability, mobility, accessibility, and neighborhood quality goals.

FISCAL IMPACT:

No fiscal impact. If approved, the City would receive up to \$761,800 in the grant funding. Matching funds are not required for the grants.

Ewell/Goldberg/SH/TG

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-112: DUI P.A.C.E. (Prevention through Awareness and Cooperative Education) Car Program - Office of Traffic Safety Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-963)

Authorizing the Chief of Police to accept and administer funds for DUI P.A.C.E. (Prevention through Awareness and Cooperative Education) Car Program, and that such authorization shall include all aspects of grant acceptance, operation, expenditures, contracting, and certification that the City will comply with all applicable statutory or regulatory requirements related to said program;

Authorizing the Chief of Police to execute any contracts, amendments, extensions, renewals, or future funding for this program for a period of up to five years, provided funding is made available by the State of California;

Declaring that any liability arising out of our performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the City of San Diego. The State of California and the California Office of Traffic Safety disclaim responsibility for any such liability;

Declaring that grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body.

CITY MANAGER SUPPORTING INFORMATION:

The California Office of Traffic Safety accepts grant applications only from units of government. However, they encourage partnerships with Community Agencies to provide services. The San Diego Police Department, in cooperation with the Pacific Safety Council, has developed the DUI P.A.C.E. (Prevention through Awareness and Cooperative Education) Car Program. The DUI P.A.C.E. Car Program furnishes young adults with first-hand experience and awareness, under controlled conditions, essential to becoming a safe driver. The Program is designed to meet the educational needs of San Diego's young drivers by combining mobility and interactive learning to maximize accessibility and reinforce the educational experience.

Over the two-year period, the Program plans to conduct 75 P.A.C.E. Car events. In addition to the P.A.C.E. Car educational presentations, events will include occupant protection awareness, field sobriety testing, and a mock funeral for a young "auto crash victim," to demonstrate the widespread effect that such a death has on friends and family.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Pacific Safety Council will also provide education and information at youth-oriented/community events, such as the Miramar Air Show, during the grant period.

The San Diego Police Department will subcontract much of the operational responsibility for this grant program to the Pacific Safety Council. A contract with PSC for \$221,598.60 will be processed under a separate action.

FISCAL IMPACT:

This OTS grant provides \$250,000 for a two-year grant from the California Office of Traffic Safety. The grants pay overtime for three officers as instructors at 20 eight-hour events; along with a 3% charge for City administrative costs to provide fiscal and administrative grant management. There is no requirement for matching funds, and no requirement to continue grant operations, expenses, or contractual relationship with PSC after grant funds are terminated.

Uberuaga/Lansdowne/DJW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-113: La Jolla Village Drive Widening – Property Rights.

(University Community Area. District-1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-966 Cor. Copy)

Authorizing the City Manager to accept from the Regents of the University of California two Quitclaim Deeds, for right of way for street dedication across portions of University property, as depicted on City Engineering Drawing No. 00066-1 & -2-C, and as specifically described in the Quitclaim Deeds;

Authorizing the City Manager to accept from the Regents of the University of California a Grant of Easement and Agreement for a slope easement, for an easement across a portion of University property, depicted on City Engineer Drawing No. 00066-2-C, and as specifically described in the Grant of Easement and Agreement;

Authorizing the City Manager to expend an amount not to exceed \$7,500 from Fund 79001, Facilities Benefit Assessment Fund, CIP-52-452.0, La Jolla Village Drive – Torrey Pines Road to Villa La Jolla Drive, for staff labor and miscellaneous charges associated with the acquisition of property rights required for the La Jolla Village Drive Widening Project.

CITY MANAGER SUPPORTING INFORMATION:

The City's La Jolla Village Drive Widening project, CIP-52-452.0, will result in a six traffic-lane prime arterial with sidewalks and bike lanes between North Torrey Pines Road and Gilman Drive, and eight traffic-lane prime arterial for Gilman Drive to Villa La Jolla Drive. The project also includes bridge widening and interchange improvements at the La Jolla Village Drive and Gilman Drive overcrossing. In order to make the improvements, additional street right-of-way and a portion of an adjacent slope are required from the Regents of the University of California.

This action authorizes the City Manager to accept two quitclaim deeds and one easement deed from the Regents of the University of California for the additional property rights required to complete the road widening and improvements. Additionally, while there is no cost to the City for the actual property rights being acquired, an amount not to exceed \$7,500 is being requested to cover accumulated staff labor charges and miscellaneous costs associated with the acquisition of the property rights.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-113: (Continued)

FISCAL IMPACT:

Funds in the amount of \$7,500 are available in Facilities Benefit Assessment Fund 79001, CIP-52-452.0 (La Jolla Village Drive Widening -Torrey Pines Road to Villa La Jolla Drive), to cover accumulated staff labor charges and miscellaneous costs associated with the acquisition of property rights.

Herring/Griffith/SLG

Aud. Cert. 2400895.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-114: Appointment and Reappointment to the San Diego Planning Commission.

(See memorandum from Mayor Murphy dated 3/11/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-958)

Council confirmation of the following appointment and reappointment by the Mayor, to serve as members of the Planning Commission, for four-year terms ending January 28, 2008:

Appointment

Dennis Y. Otsuji

(Replacing Bruce G. Brown, whose term has expired)

Reappointment

Kathleen A. Garcia

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-115: Installation of No Parking Tow-Away Zones on Certain Streets in Centre City for Traffic Control During Ballpark Events.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-909)

Declaring that parking may be prohibited during City events, as defined in Section 59.0101 of the San Diego Municipal Code, on the following streets as determined by the City Manager that provide pedestrian and vehicular access to PETCO Park:

- On both sides of 7th Avenue between Island Avenue and "L" Street
- On both sides of 8th Avenue between Island Avenue and "J" Street
- On both sides of 9th Avenue between Island Avenue and "J" Street
- On both sides of 10th Avenue between Market Street and Park Boulevard
- On both sides of 11th Avenue between Market Street and Park Boulevard
- On both sides of 14th Street between Imperial Avenue and "K" Street
- On both sides of 16th Street between "J" Street and "K" Street
- On both sides of "J" Street from 6th Avenue to 11th Avenue, and from 16th Street to 17th Street
- On both sides of "K" Street from 6th Avenue to 7th Avenue, and from 13th Street to 16th Street
- On the south side of Imperial Avenue from 14th Street to 15th Street
- On both sides of Imperial Avenue from 16th Street to 19th Street
- On the west side of Park Boulevard from 11th Avenue to Tony Gwynn Drive

Declaring that these parking prohibitions on the aforementioned streets that provide pedestrian and vehicular access to PETCO Park are to be enforced as tow-away zones, under the authority of California Vehicle Code Section 22651(n) and San Diego Municipal Code Sections 81.09 and 86.05;

Authorizing the installation of the necessary signs and markings to be made on said streets, and the regulations hereinabove imposed shall become effective upon the installation of such signs;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-115: (Continued)

Declaring that the final Environmental Impact Report has been reviewed and considered prior to approving the project and directing the City Clerk to file a Notice of Determination.

CITY MANAGER SUPPORTING INFORMATION:

California Vehicle Code Section 22651(n) requires City Council action for the installation of TOW AWAY zones. The proposed TOW AWAY zones are part of the PETCO Park Event Transportation Parking and Management Plan (ETPMP) which was approved by Council on January 26, 2004. The proposed restrictions are required in order to provide safe and efficient circulation for pedestrians, transit, and other vehicles during Ballpark events. Police Department and Engineering and Capital Projects staff have worked jointly on this project, and recommend approval of the requested TOW AWAY zones during Ballpark events. The subject event parking restrictions will be posed on permanent signs on each street affected, and will be widely advertised during events through the media and other means of communication. This action will permit the installation of No Parking – TOW AWAY zones during Ballpark Events on the following streets:

- On both sides of 7th Avenue between Island Avenue and “L” Street
- On both sides of 8th Avenue between Island Avenue and “J” Street
- On both sides of 9th Avenue between Island Avenue and “J” Street
- On both sides of 10th Avenue between Market Street and Park Boulevard
- On both sides of 11th Avenue between Market Street and Park Boulevard
- On both sides of 14th Street between Imperial Avenue and “K” Street
- On both sides of 16th Street between “J” Street and “K” Street
- On both sides of “J” Street from 6th Avenue to 11th Avenue, and from 16th Street to 17th Street
- On both sides of “K” Street from 6th Avenue to 7th Avenue, and from 13th Street to 16th Street
- On the south side of Imperial Avenue from 14th Street to 15th Street
- On both sides of Imperial Avenue from 16th Street to 19th Street
- On the west side of Park Boulevard from 11th Avenue to Tony Gwynn Drive

This plan will be implemented in phases as some of the affected areas are currently under construction. Parking on all these streets will be allowed when there are no events taking place at PETCO Park, subject to existing restrictions.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-115: (Continued)

FISCAL IMPACT:

Fiscal impact is \$32,000. This cost was not specifically budgeted but will be incorporated into the Streets Division fiscal year Traffic Control and Signage workload.

Loveland/Belock/VW

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTION:

ITEM-200: Fiscal Year 2004 and 2005 Financial Review and Status Report and Request for Waiver of Mandated Budget Allocations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-965)

Accepting the Fiscal Year 2004 and 2005 Financial Review and Status Report;

Accepting the City Manager's requests for waivers of mandated budgeted allocations for Fiscal Year 2005:

- a. Temporarily suspend mandated budget allocations for library system – waiver per San Diego Municipal Code Section 22.0228(e).
- b. Temporarily suspend mandated budget allocations for Mission Bay improvements system – waiver per San Diego Municipal Code Section 22.0229(e).
- c. Temporarily suspend Council Policy to increase to General Fund Reserve per City Council Policy 100-20.
- d. ~~City Manager's request to waive and delay implementation of Council Policy 100-18 (policy for 45% of parking meter revenues to Parking meter Districts) with respect only to the increased amount of parking meter fees scheduled for implementation in Fiscal Year 2004.~~

CITY MANAGER SUPPORTING INFORMATION: Due to the insufficient availability of revenues anticipated for the coming fiscal year, the City Manager is contemplating significant reductions in the General Fund in order to continue to fund priorities such as public safety. In order to maintain these priorities, the City Manager requests a temporary suspension of compliance with Sections 22.0228, Library Ordinance, and 22.0229, Mission Bay Ordinance, of the Municipal Code, in addition to Council Policy 100-20, General Fund Reserve. The General Fund Reserve would be maintained at three percent of the General Fund budget in Fiscal Year 2005.

FISCAL IMPACT: This report provides information about anticipated adjustments that will enable the General Fund to end Fiscal Year 2004 in balance. In addition, suspension of Municipal Code Sections 22.0228, Library Ordinance, and 22.0229, Mission Bay Ordinance, and Council Policy 100-20, General Fund Reserve, are critical components of a balanced Fiscal Year 2005 Proposed Budget, to be presented to the Mayor and Council on May 3, 2004.

Uberuaga/Irvine/PKT

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium.

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers.

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

SPECIAL HEARINGS: (Continued)

ITEM-202: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: An approximate 396-acre parcel owned by the City of San Diego commonly known as Mt. Woodson located north of and adjacent to the City of Poway (APN 278-211-01 and 278-081-05) and an approximate 19.6-acre parcel owned by the City of Poway commonly known as the Pomerado Wastewater Treatment Plant site located in the City of San Diego (APN 316-231-04, 06, 14, 16, and 17)

City Negotiators: Real Estate Assets Director
Senior Deputy City Manager

Negotiating Party: City of Poway.

Under Negotiation: Seeking direction on the exclusive exchange of these properties.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on March 30, 2004.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT